

Appln. No. 09/925,728
Amendment dated October 15, 2003
Reply to Office Action of July 15, 2003

REMARKS

In an Office Action dated July 15, 2003, all of the pending claims were rejected. Applicants respectfully request the above amendment be entered at this time. The amendment merely inserts the features of claim 21 (formerly dependent on claim 1) into independent claim 1. Thus, the amendment raises no new issues that would require further consideration and/or search, since claim 21 already has been searched, examined and considered. The amendment also raises no issue of new matter. Furthermore, the amendment should be entered as it places the application in condition for allowance or in better form for appeal by materially reducing and simplifying the issues for appeal.

Accordingly, the amendment should be entered at this time.

In the Office Action, claims 1-7, 12, 15, 16, 18, 19 and 21-24 were rejected under 35 USC § 103(a) as being unpatentable over Geistlich et al. in view of Vibe-Hansen et al. This rejection is respectfully traversed.

The Geistlich et al. reference cited in the Office Action discloses the Bio-Gide® membrane which is manufactured by the assignee of the present application and described in the last paragraph on page 3 of the present application. The Bio-Gide® membrane is predominantly collagen I, collagen III or a mixture thereof, and may be utilized as the barrier layer as defined in claim 1 of the present application. The Geistlich et al. reference, however, contains no hint or even remote suggestion of a further matrix layer, wherein the matrix layer is predominantly collagen II having an open, sponge-like texture.

The Vibe-Hansen et al. reference not only fails to supply the deficiencies of the Geistlich et al. reference, but in fact teaches away from the present invention.

While Vibe-Hansen et al. teaches utilization of the Bio-Gide® collagen I/III membrane manufactured by the present assignee, however, the Vibe-Hansen et al. reference provides no suggestion whatsoever of utilization of a multi-layer collagen membrane as specified in amended claim 1.

In Vibe-Hansen et al., it is stated that "Another variant would use a collagen patch which consists of type-II collagen" (Column 8, lines 43-45, emphasis added). Thus, Vibe-

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Hansen et al. clearly teaches to use a type-II collagen patch instead of a Bio-Gide® type I/III membrane.

This is reiterated again in Vibe-Hansen et al. at column 8, lines 50-51, wherein it is stated that the collagen component may be similar to Bio-Gide® or type II collagen. By specifying one or the other, Vibe-Hansen et al. leads away from utilization of the specific combination set forth in the present claims. *Furthermore*

No combination of applied references suggests a multi-layer sheet of collagen membrane material having at least one barrier layer of collagen I, collagen III or mixtures thereof, and further including a matrix layer predominantly of collagen II.

In view of the above, withdrawal of rejection based on Geistlich et al. in view of Vibe-Hansen et al. is respectfully requested.

The remaining claims were rejected under 35 USC § 103(a) as being unpatentable over the above-discussed Geistlich et al./Vibe-Hansen et al. combination, further in view of either Sonis, Caplan et al., Geistlich et al. '771, Seid, or Stone et al. However, none of the further applied references supply the above-noted deficiencies of the Geistlich et al./Vibe-Hansen et al. combination. In view thereof, withdrawal of all of the rejections under 35 USC § 103(a) is respectfully requested.

Applicants submit that the present application is now in condition for allowance. Reconsideration and favorable action are earnestly requested.

Respectfully submitted,

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